



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: The Camarillo Group Ltd.

File: B-227926

Date: September 14, 1987

DIGEST

Where the solicitation specifically advises offerors that the failure to address all subfactors in a technical proposal might result in the proposal being considered unacceptable, and the protester fails to address all subfactors, the contracting agency's determination to exclude the protester's proposal--rated 34th technically--from the competitive range is reasonable.

DECISION

The Camarillo Group Ltd. protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. YA551-RFP7-340011, issued as a small business set-aside by the Bureau of Land Management (BLM), Department of the Interior, for central holding facilities for wild horses and burros. We deny the protest.

Under the RFP's evaluation criteria, a total of 100 points was assigned to 5 technical factors. The RFP also specified the point distribution for the subfactors under each factor, and cautioned offerors that the failure to address each subfactor might result in the proposal being considered unacceptable. The RFP advised offerors that since award might be made on the basis of initial proposals, without discussions, an initial proposal should represent the most favorable terms that the offeror can submit to the government. The RFP further provided that while cost was more important than technical factors, the contract would be awarded to the responsible offeror(s) whose offer is most advantageous to the government, technical, cost and other factors considered.

Solicitations were sent to 764 firms, and the 128 proposals received in response were evaluated by the Technical Proposal Evaluation Committee (TPEC) to determine which were technically acceptable or capable of being made acceptable through clarification or minor modification. Technical

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scores ranged from 6.5 to 87 points. Price was not considered at this point. Thirty proposals, with technical scores of 60 points or higher, were included in the TPEC report to the contracting officer for possible further consideration. The contracting officer evaluated the technical and cost proposals of those 30 offerors and determined that 9 proposals, with composite technical and cost scores ranging from 70 to 87 points, were in the competitive range. Camarillo's technical proposal, with a score of 58 points, was the 34th highest rated one, and thus was not included in the TPEC report or the competitive range.^{1/} Camarillo protested to the BLM but, upon reevaluation, its technical score did not change.

Camarillo contends that its proposal should have been included in the competitive range because it was based on a proposal for similar services submitted in response to a 1984 procurement, which received the highest score in that procurement. Camarillo admits that a considerable block of information was missing from its proposal, but maintains that BLM wrongfully eliminated the proposal from the competitive range while knowing that the missing information was available from Camarillo.

BLM responds that Camarillo's proposal was not included in the competitive range because it was deficient in all areas. BLM also states that much of Camarillo's proposal was xeroxed from its 1984 proposal and was not tailored to meet BLM's changed needs under the instant procurement, even though the RFP clearly identified the new requirements.

The competitive range includes all proposals that have a reasonable chance of being selected for award, that is, the proposals that are acceptable or are capable of being made acceptable. Federal Acquisition Regulation, 48 C.F.R. § 15.609(a) (1986); see Telecommunications Specialists, Inc., B-224842.2, Feb. 26, 1987, 87-1 C.P.D. ¶ 221. The evaluation of proposals and the determination of whether an offeror is in the competitive range are matters within the discretion of the contracting agency. Pacific Computer Corp., B-224518.2, Mar. 17, 1987, 87-1 C.P.D. ¶ 292. In reviewing protests against allegedly improper evaluations, it is not the function of our Office to determine the relative merits of competing proposals, but rather to examine the record to determine whether the agency's judgment was reasonable and in accord with stated evaluation

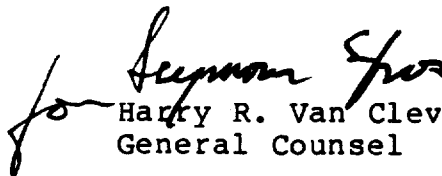
^{1/} The record also shows that 23 firms submitted lower cost proposals than did Camarillo, although only 3 of them were among those ultimately included in the competitive range.

criteria. Volunteers of America, B-225460, Mar. 10, 1987, 66 Comp. Gen. ____ (1987), 87-1 C.P.D. ¶ 271.

The record does not support Camarillo's complaint that it proposed a facility of high quality that was excluded from the competitive range for unimportant reasons; instead, the record confirms BLM's conclusion that Camarillo's proposal was deficient in all five evaluation areas. For example, Camarillo's proposal failed to provide the required description of the geographical location of and access to the facility, and while other subfactors appear to be discussed, in many instances they are covered in a general manner. Moreover, it is frequently difficult to determine whether a subfactor is being addressed because the organization of the proposal does not follow the format set forth in the RFP's instructions for preparing technical proposals. The protester admits that there are gaps in its proposal, but states that it has been prepared to provide the missing information. The RFP, however, clearly cautioned that the failure to address each subfactor might result in the proposal being considered unacceptable, and an evaluation to determine technical acceptability must be based on the information submitted in the proposal. DOD Contracts, Inc., B-224212, Dec. 8, 1986, 86-2 C.P.D. ¶ 653.

Based on this record, we do not think that the scoring of Camarillo's proposal and the proposals's consequent exclusion from the competitive range were unreasonable. The protester's disagreement with the contracting agency's evaluation does not render the agency's judgments unreasonable. Digital Devices, Inc., B-225301, Mar. 12, 1987, 87-1 C.P.D. ¶ 278.

The protest is denied.


for Harry R. Van Cleve
General Counsel